IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1069 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GIRISHCHANDRA DHIRUBHA BAMANIA

Versus

DISTRIT PRIMARY EDUCATION OFFICER

Appearance:

MR IS SUPEHIA for Petitioner

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 14/02/2001

ORAL JUDGEMENT

1. Heard Shri IS Supehia on admission of this petition. Relief sought is writ of prohibition, restraining the respondent from suspending the petitioner in view of FIR registered against him on 28-12-1994 in Shehra Police Station for the offences under secs.498-A and 306 read with sec.114 of the Indian Penal Code.

2. The contention is that, the petitioner is proposed to be suspended after six years of registration of FIR. However, I do not find any prohibition or bar of limitation in suspending an employee, if criminal case is registered against him.

3. The next contention is that, the proposed action is going to be taken, because sec.306 of the Indian Penal Code has been added subsequently. It is also within the jurisdiction of the authority to take into account addition of sec.306 of IPC and then to decide to suspend the petitioner. Violation of rules and regulations for suspension has also been argued but, this matter can be agitated before the authority and not in this Court in order to get writ of prohibition. I do not find any substance in this petition, which is summarily rejected.

February 14, 2001. [D.C. Srivastava, J.]

/sakkaf